

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Shae D'lyn and Edgardo Rosa Pomales,

Plaintiffs,

-against-

The City of New York; New York City
Police Officer Paola Russell; New York
City Police Officer Almodovar; New York
City Police Officers Jane and John Does 1
through 8.

Defendants.

**STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL**

07 Civ 7233 (DAB)

WHEREAS, plaintiffs Shae D'lyn and Edgardo Rosa Pomales commenced this action by filing a complaint on or about August 14, 2007 alleging that defendants violated their constitutional and common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiffs have authorized their counsel to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees except as provided for in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff Shae D'lyn the sum of **Eleven Thousand Two Hundred Fifty (\$11,250.00) Dollars** and plaintiff Edgardo Rosa Pomales the sum of **Eleven Thousand Two Hundred Fifty (\$11,250.00) Dollars** in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiffs agree to the dismissal of all claims against defendants, and to release all defendants and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiffs in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney fees.
3. Plaintiffs shall execute and deliver to defendants City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release and An Affidavit of No Liens based on the terms of paragraph 2 above.
4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or

settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
June 10, 2008

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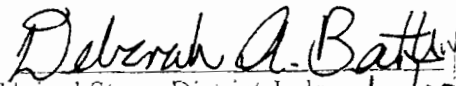
By: 

Darius Wadia (DW 8679)

By: 

Hillary A. Frommer
Senior Counsel

*The Clerk of Court is hereby directed to close
the docket in this case.*
SO ORDERED:


United States District Judge 6/24/08